

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

STEPHEN EARL DAVIS

§

VS.

§

CIVIL ACTION NO. 9:17cv43

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Petitioner Stephen Earl Davis, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that petitioner's motion to dismiss be granted and this petition be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. Petitioner's motion to dismiss is **GRANTED**. An appropriate final judgement shall be entered.

So ORDERED and SIGNED this 19th day of May, 2017.



Ron Clark, United States District Judge